

**NOTICE AND AGENDA
TOWN COUNCIL
Town Council - Regular Meeting**

Public notice is given that the Town Council of the Town of Apple Valley, Washington County, Utah will hold a **Town Council - Regular Meeting** on **Wednesday, February 06, 2019** at the **Apple Valley Town Hall**, 1777 N. Meadowlark Dr., Apple Valley, Utah, commencing at **6:00 PM** or shortly thereafter. In accordance with state statute, one or more council members may be connected via speakerphone. This meeting will be available for live stream at www.youtube.com. Search: Town of Apple Valley Utah.

The Agenda for discussion and action is as follows:

CALL TO ORDER / PLEDGE OF ALLEGIANCE/ ROLL CALL

1. Mayors Town Update

DISCUSSION AND ACTION

2. Discussion and Action on Ordinance O-2019-01; Approval of Planning Commission recommendation on zone change from OST/OSC to RE 1.0 for Miles Mark development parcel AV-1319-A
3. Discussion and Action on Ordinance O-2019-02; Approval of Planning Commission recommendation for Zone Change on AV-1327
4. Discussion and Action on Ordinance O-2019-03; Approval of Planning Commission recommendation for zone change from OST/OSC to RE 1.0 for AV-1326; AV-1346; AV-1345; AV-1348-A; AV-1348-B; AV-1349; AV-1359
5. Discussion and Possible Action on Public Works Interlocal Agreement options with Washington County

CONSIDER APPROVAL ON REPORTS, RECOMMENDATIONS, APPOINTMENTS AND ANNOUNCEMENTS

7. Approval of Minutes for 12/5/2018
8. Approval of Minutes for 12/19/2018
9. Approval of Minutes for 1/2/2019
10. Events Committee – Tish Lisonbee/Debbie Kopp
11. Planning Commission – Cynthia Browning/Michael McLaughlin
12. Fire Department – Chief Dave Zolg, Jr
13. Engineering – Rod Mills
14. Big Plains Water and Sewer SSD – Harold Merritt
15. Code Enforcement – Rich Ososki/Paul Edwardsen
16. Roads and Storm Drainage –

17. Mosquito Abatement- Margaret Ososki

18. Council-

19. Other

PUBLIC COMMENTS

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

THE PUBLIC IS INVITED TO PARTICIPATE IN ALL COMMUNITY EVENTS. MEETINGS

In compliance with the American with Disabilities Act, individuals needing special accommodations (Including auxiliary communicative aids and services) during this meeting should notify Michelle Kinney at 435-877-1190.

Backup material for agenda item:

Discussion and Action on Ordinance O-2019-01; Approval of Planning Commission recommendation on zone change from OST/OSC to RE 1.0 for Miles Mark development parcel AV-1319-A

AFFIDAVIT
PROPERTY OWNER

Standard Development has
the rights to all developments
miles mark

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

I (We) 2000 Main LLC, being duly sworn, depose and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Landon Helm
Property Owner

Property Owner

Subscribed and sworn to me this 14th day of January, 2019.



Angela Holm
Notary Public

Residing in: Bryce, Utah

My Commission Expires: Jan. 24th 2022

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

ZONE CHANGE FOR: MILES MARK

LOCATED IN APPLE VALLEY,
WASHINGTON COUNTY, UTAH

OWNERS INFORMATION:

NAME: 2000 MAIN LLC
ADDRESS: 4785 DEMILLE TURF RD #60
HURRICANE, UT 84737-3830

EXISTING & PROPOSED ZONING

PARCEL #	CURRENT ZONING	PROPOSED ZONING
AV-1319-A	OST/OSC	SF-1.0

LEGEND:

—	PROPERTY LINE		CHURCH
—	ADJACENT PROPERTY LINE		OPEN SPACE
—	PROPOSED TRAIL		0.5 ACRE LOTS
—	SECTION LINE		> 1 ACRE LOTS
◆	SECTION CORNER AS DESCRIBED		COMMERCIAL LOTS

LEGAL DESCRIPTION

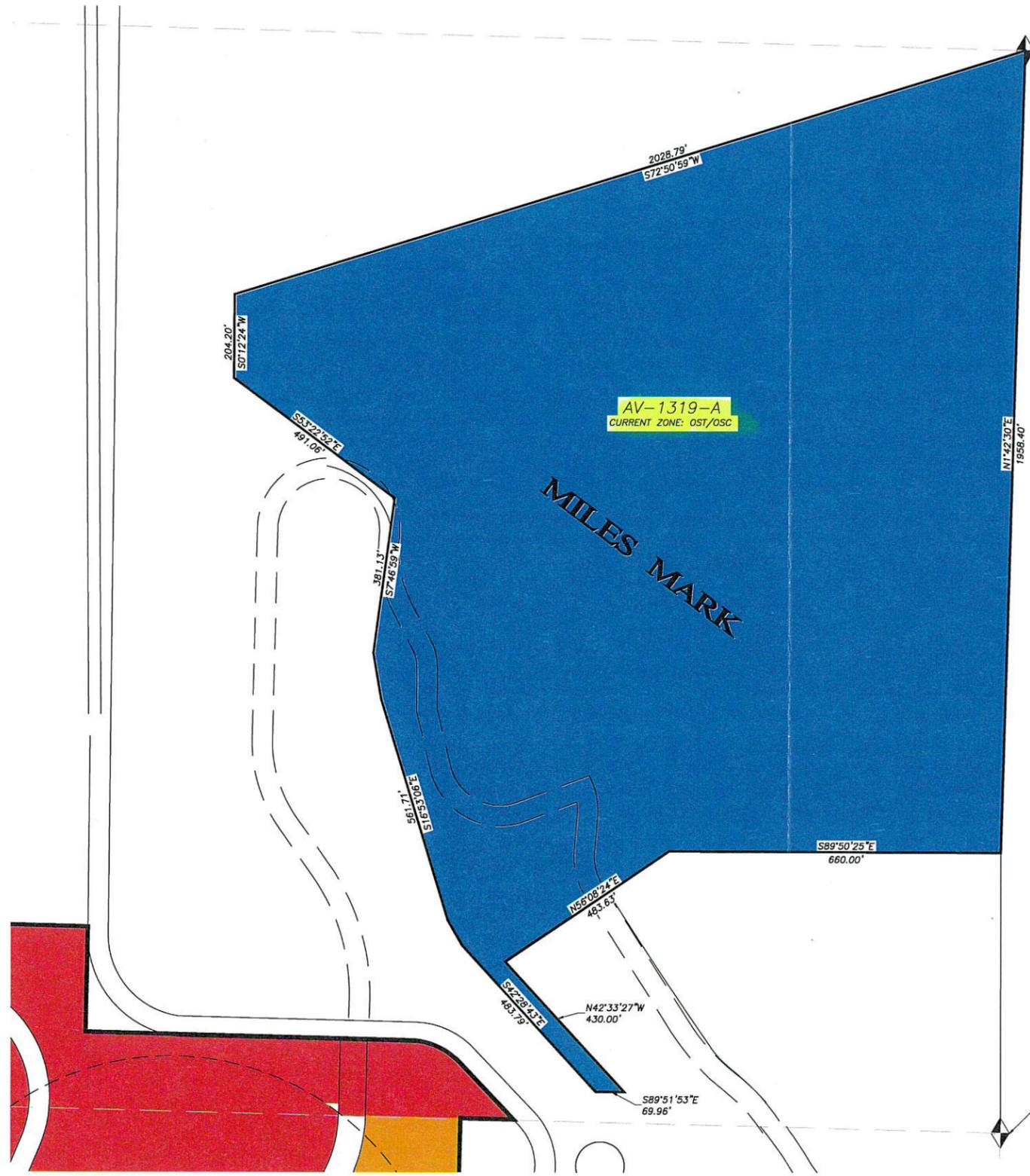
S: 19 T: 42S R: 11W BEG N 0°04'54" W 660 FT ALG SEC/L FM SECOR SEC 19 T42S R11W TH N 89°59'43" W 660 FT; TH S 0°04'54" E 660 FT TO S LN; TH N 89°59'43" W 265.66 FT ALG SEC/L; TH N42°41'51" W 582.977 FT; TH N 30°10'41" W 70.01 FT; TH N 17° W 561.691 FT; TH N 09°53'02" W 115.299 FT; TH N 07°40' E 380.775 FT; TH N 53°30' W 491.246 FT; TH N09°25' W 204.755 FT; TH N 71°45'53" E 1980.339 FT TO E 1/4 COR; TH S 0°04'54" E 1973.81 FT ALG SEC/L TO POB LESS; BEGINNING AT A POINT ALONG THE SECTION LINE SITUATED SOUTH 89° 59' 23" WEST 660.0 FEET FROM THE SOUTH EAST CORNER OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 11 WEST, SLB&M, AND RUNNING THENCE NORTH 00° 05' 48" WEST 660.0 FEET; THENCE SOUTH 89° 59' 23" WEST 153.23 FEET; THENCE SOUTH 55° 59' 06" WEST 483.63 FEET; THENCE SOUTH 42° 42' 45" EAST 430.03 FEET; THENCE SOUTH 89° 58' 49" WEST A DISTANCE OF 69.96 FEET; THENCE SOUTH 42° 42' 45" EAST 100.00 FEET; THENCE NORTH 89° 59' 23" EAST ALONG THE SECTION LINE 265.66 FEET MORE OR LESS TO THE POB. CONTAINING 65.58 ACRES.

EAST 1/4 COR. OF SECTION 19

SE SEC. COR. OF SECTION 19



150 0 150
SCALE IN FEET



NO	DESCRIPTION	DATE	BY

Engineers- Land Surveyors - Land Planners
20 South 850 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 646-8877 Karl Rasmussen
Phone: (435) 528-5971 Chad Hill



ZONE CHANGE FOR:
MILES MARK
LOCATED IN APPLE VALLEY, UTAH
WASHINGTON COUNTY, UTAH

DATE: 11/20/13
SCALE: 1"=50'
JOB NO:
216-013
SHEET NO:
1 OF 1

General Plan Zone is R1 Acre

ZONE CHANGE APPLICATION

Town of Apple Valley
1777 North Meadowlark Dr.
Apple Valley, UT 84737
PH: (435) 877-1190
FAX: (435) 877-1192

Table with fee information: Fee: \$500.00 + Acreage Fee; 1-100 Acres: \$50/Acre; 101-500 Acres: \$25/Acre; 501 + Acres: \$10/Acre

Name: STANDARD DEVELOPMENT LLC Telephone: 702-701-1443

Address: 4785 DeMille Turf Rd #60 Fax:

City: Hurricane State: UT Zip: 84737-3888 Email: travishhg@gmail.com

Agent (If Applicable): Telephone:

Address/Location of Subject Property: Parcel # AV-1319-A; see map for legal description. (Miles Mark)

Parcel ID: AV-1319-A Existing Zone: OST/OSC

Proposed Zone: RELO Reason for the Request (Use Extra Sheets if Necessary):

Submittal Requirements: The zone change application shall provide the following:

Miles Mark

- Checklist of requirements: a. Name and address of every person or company the applicant represents; b. An accurate property map showing the existing and proposed zoning classifications; c. All abutting properties showing present zoning classifications; d. An accurate legal description of the property to be rezoned; e. Stamped envelopes with the names and addresses of all property owners within 500' of the boundaries of the property proposed for rezoning; f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.

Note: It is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 p.m. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting applicable to the noticing requirement of the request. An incomplete application could result in a month's delay.

(Office Use Only)

Date Received: 1/11/2019 By: Marty Lisonbee

Date Application Deemed Complete: By:

**APPLE VALLEY TOWN
ORDINANCE O-2019-01**

**AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR PARCEL AV-1319-A FROM
OST/OSC to RE 1.0**

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification for parcel AV-1319-A from OST/OSC to RE 1.0; and

WHEREAS, the Planning Commission has reviewed the petition and has received and reviewed pertinent information in the public hearing held on the 23rd of January, 2019 with recommendation that the property be so rezoned; and

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and

WHEREAS, in making these reviews the Town Council finds that the Planning Commission’s recommendation on the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 6th day of February, 2019, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The zoning classification for Parcel AV-1319-A is changed from OST/OSC to RE 1.0.

SECTION II: Update of Official Zoning Map. The Official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 6th day of February, 2019.

Marty Lisonbee, Mayor

ATTEST:

Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardson	Aye ___ Nay ___

Backup material for agenda item:

Discussion and Action on Ordinance O-2019-02; recommendation from Planning Commission for Zone Change on AV-1327

ZONE CHANGE APPLICATION

Town of Apple Valley
1777 North Meadowlark Dr.
Apple Valley, UT 84737
PH: (435) 877-1190
FAX: (435) 877-1192

Fee: \$500.00 + Acreage Fee	
1-100 Acres:	\$50/Acre
101-500 Acres:	\$25/Acre
501 + Acres:	\$10/Acre

Name: STANDARD DEVELOPMENT LLC Telephone: 702-701-1443

Address: 4785 DeMille Turf Rd #60 Fax: _____

City: Hurricane State: UT Zip: 84737-388 Email: travisbhg@gmail.com

Agent (If Applicable): _____ Telephone: _____

Address/Location of Subject Property: Less Sw 1/4 NW 1/4 sec 23, T42S, R11W 1/2 W 1/2 SW 1/2 Sec, T42S, R11W

Parcel ID: 320 Acres of AV-1327 Existing Zone: OST/OSC

Proposed Zone: SF 0.5 Reason for the Request (Use Extra Sheets if Necessary):

Redstone
.5 ~~1~~ Acre lots

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 500' of the boundaries of the property proposed for rezoning, including owners along arterial roads that may be impacted;
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.

Note: It is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 p.m. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting applicable to the noticing requirement of the request. An incomplete application could result in a month's delay.

(Office Use Only)

Date Received: 1/11/2019 By: Marty Lisonbee

Date Application Deemed Complete: _____ By: _____

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)§
COUNTY OF WASHINGTON)

Standard Development LLC has the
rights to all Developments
Prastone

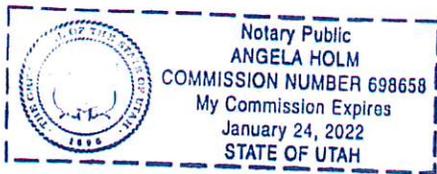
I (We) 2000 Main LLC, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Jandon Holm

Property Owner

Property Owner

Subscribed and sworn to me this 14th day of January, 2019.



Angela Holm
Notary Public

Residing in: Bryce, UTAH

My Commission Expires: Jan. 24th 2022

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

ZONE CHANGE FOR: RED STONE

LOCATED IN APPLE VALLEY,
WASHINGTON COUNTY, UTAH

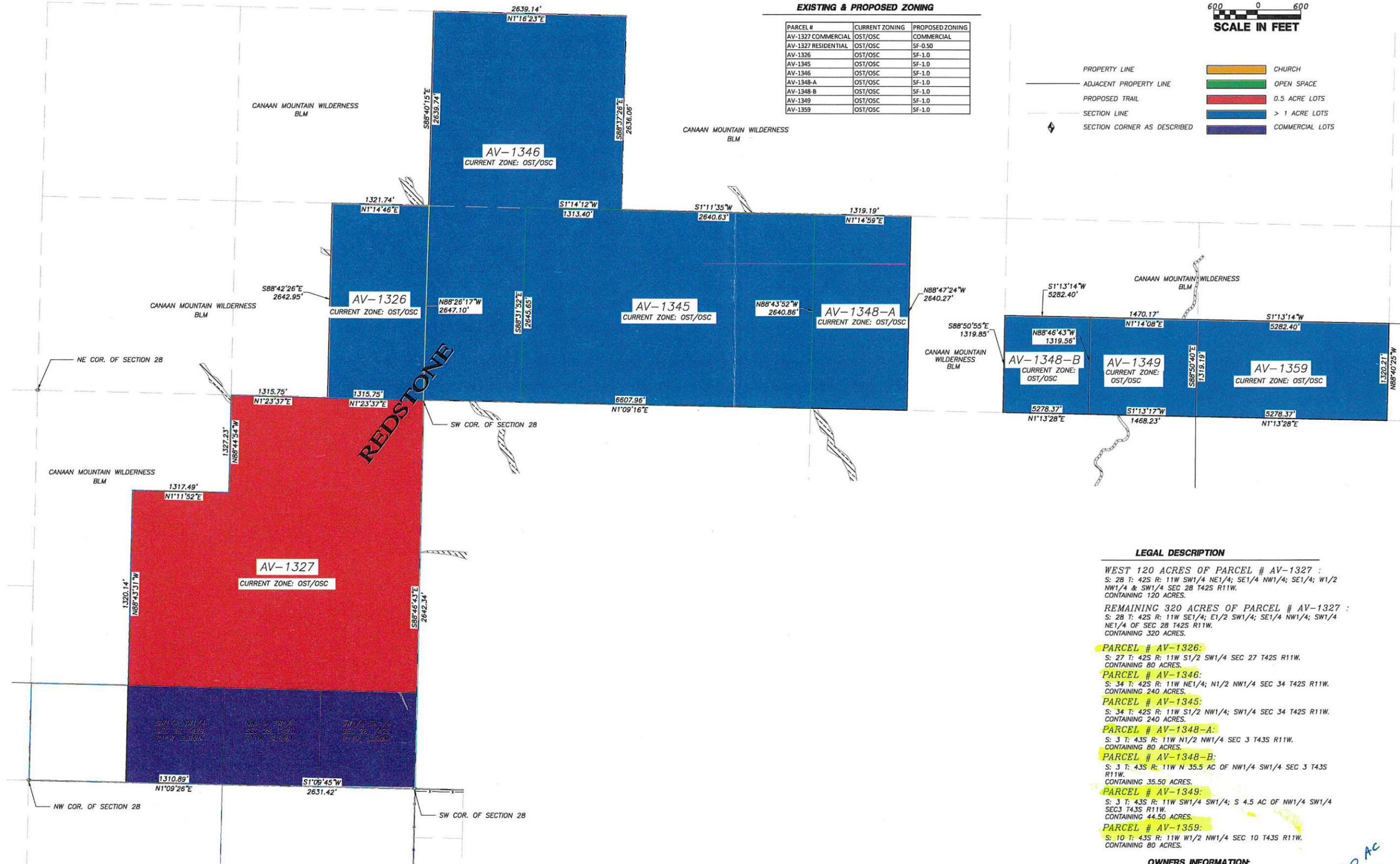


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SCALE IN FEET

EXISTING & PROPOSED ZONING

PARCEL #	CURRENT ZONING	PROPOSED ZONING
AV-1327 COMMERCIAL	OST/OSC	COMMERCIAL
AV-1327 RESIDENTIAL	OST/OSC	SF-0.50
AV-1326	OST/OSC	SF-1.0
AV-1345	OST/OSC	SF-1.0
AV-1346	OST/OSC	SF-1.0
AV-1348-A	OST/OSC	SF-1.0
AV-1348-B	OST/OSC	SF-1.0
AV-1349	OST/OSC	SF-1.0
AV-1359	OST/OSC	SF-1.0

- PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - PROPOSED TRAIL
 - SECTION LINE
 - SECTION CORNER AS DESCRIBED
- CHURCH
 - OPEN SPACE
 - 0.5 ACRE LOTS
 - > 1 ACRE LOTS
 - COMMERCIAL LOTS



LEGAL DESCRIPTION

WEST 120 ACRES OF PARCEL # AV-1327 :
S: 28 T: 42S R: 11W SW1/4 NE1/4; SE1/4 NW1/4; SE1/4; W1/2 NW1/4 & SW1/4 SEC 28 T42S R11W.
CONTAINING 120 ACRES.

REMAINING 320 ACRES OF PARCEL # AV-1327 :
S: 28 T: 42S R: 11W SE1/4; E1/2 SW1/4; SE1/4 NW1/4; SW1/4 NE1/4 OF SEC 28 T42S R11W.
CONTAINING 320 ACRES.

PARCEL # AV-1326:
S: 27 T: 42S R: 11W S1/2 SW1/4 SEC 27 T42S R11W.
CONTAINING 80 ACRES.

PARCEL # AV-1346:
S: 34 T: 42S R: 11W NE1/4; N1/2 NW1/4 SEC 34 T42S R11W.
CONTAINING 240 ACRES.

PARCEL # AV-1345:
S: 34 T: 42S R: 11W S1/2 NW1/4; SW1/4 SEC 34 T42S R11W.
CONTAINING 240 ACRES.

PARCEL # AV-1348-A:
S: 3 T: 43S R: 11W N1/2 NW1/4 SEC 3 T43S R11W.
CONTAINING 80 ACRES.

PARCEL # AV-1348-B:
S: 3 T: 43S R: 11W N 35.5 AC OF NW1/4 SW1/4 SEC 3 T43S R11W.
CONTAINING 35.50 ACRES.

PARCEL # AV-1349:
S: 3 T: 43S R: 11W SW1/4 SW1/4; S 4.5 AC OF NW1/4 SW1/4 SEC3 T43S R11W.
CONTAINING 44.50 ACRES.

PARCEL # AV-1359:
S: 10 T: 43S R: 11W W1/2 NW1/4 SEC 10 T43S R11W.
CONTAINING 80 ACRES.

OWNERS INFORMATION

NAME: 2000 MAIN LLC
ADDRESS: 4785 DEMILLE TURF RD #60
HURRICANE, UT 84737-3830

1190 AC
765.58
1185.58

NO	REVISIONS DESCRIPTION	DATE	BY

Engineers - Land Surveyors - Land Planners
28 South 600 West, Suite 1
Hurricane City, Utah 84737
Phone: (435) 668-6307 Kari Rasmussen
Phone: (435) 950-307 Chad Hill



ZONE CHANGE FOR:
RED STONE
LOCATED IN APPLE VALLEY, UTAH
WASHINGTON COUNTY, UTAH

DATE: 1/12/09
SCALE: 1"=400'
JOB NO:
216-013
SHEET NO:
1 OF 1

AFFIDAVIT
PROPERTY OWNER

STATE OF UTAH)
)S
COUNTY OF WASHINGTON)

Standard Development LLC has the
rights to all Developments
Prestone

I (We) 2000 Main LLC, being duly sworn, deposed and say that I (We) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided identified in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge. I (We) also acknowledge that I (We) have received written instructions regarding the process for which I (We) am (are) applying and the Apple Valley Town planning staff have indicated they are available to assist me in making this application.

Jandon Holm
Property Owner

Property Owner

Subscribed and sworn to me this 14th day of January, 2019.



Angela Holm
Notary Public

Residing in: Bryce, UTAH

My Commission Expires: Jan. 24th 20~~19~~ 22

AGENT AUTHORIZATION

I (We), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative body in the Town of Apple Valley considering this application and to act in all respects as our agent in matters pertaining to the attached application.

Property Owner

Property Owner

Subscribed and sworn to me this _____ day of _____, 20____.

Notary Public

Residing in: _____

My Commission Expires: _____

**APPLE VALLEY TOWN
ORDINANCE O-2019-02**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FOR A PORTION OF PARCEL AV-1327 FROM OST/OSC to SF 0.5

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification for portion of parcel AV-1327 as described in the attached document from OST/OSC to SF 0.5; and

WHEREAS, the Planning Commission has reviewed the petition and has received and reviewed pertinent information in the public hearing held on the 23rd day of January, 2019 with recommendation that the property be so rezoned; and

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and

WHEREAS, in making these reviews the Town Council finds that the Planning Commission’s recommendation on the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 6th day of February, 2019, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The zoning classification for a portion of Parcel AV-1327 is changed from OST/OSC to SF 0.5.

SECTION II: Update of Official Zoning Map. The Official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 6th day of February, 2019.

Marty Lisonbee, Mayor

ATTEST:

Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___

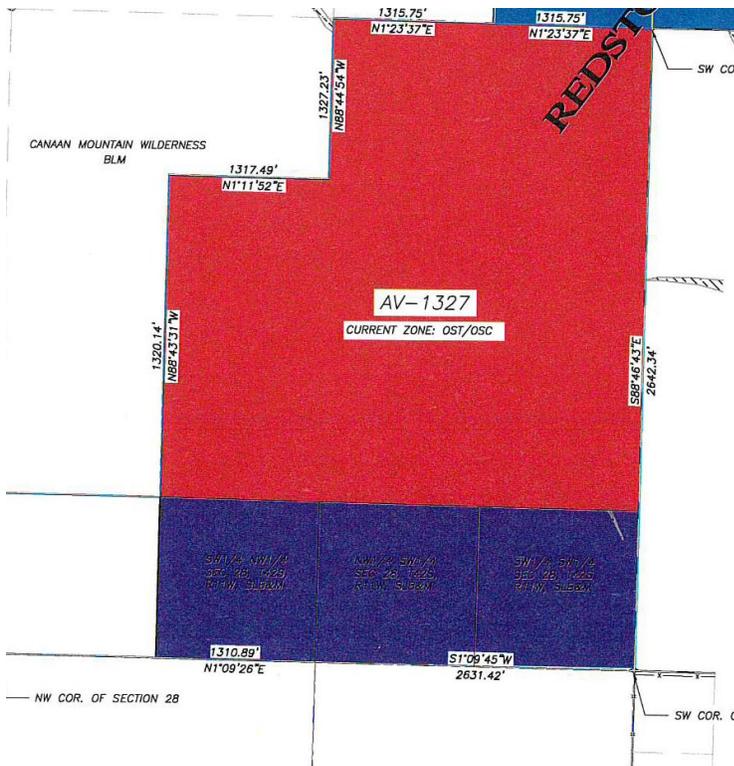
Property Description:

As shown on the map and identified by the owner

LEGAL DESCRIPTION

For portion NOT being rezoned

WEST 120 ACRES OF PARCEL # AV-1327 :
S: 28 T: 42S R: 11W SW1/4 NE1/4; SE1/4 NW1/4; SE1/4; W1/2
NW1/4 & SW1/4 SEC 28 T42S R11W.
CONTAINING 120 ACRES.



Red Section- Requested this be rezoned SF.5

Blue Section- Requesting this portion of lot stay the same as previous zoning (OST/OSC)

Backup material for agenda item:

Discussion and Action on Ordinance O-2019-03; Approval of Planning Commission recommendation for zone change from OST/OSC to RE 1.0 for AV-1326; AV-1346; AV-1345; AV-1348-A; AV-1348-B; AV-1349; AV-1359

ZONE CHANGE APPLICATION

Town of Apple Valley
1777 North Meadowlark Dr.
Apple Valley, UT 84737
PH: (435) 877-1190
FAX: (435) 877-1192

Fee: \$500.00 + Acreage Fee
1-100 Acres: \$50/Acre
101-500 Acres: \$25/Acre
501 + Acres: \$10/Acre

Name: STANDARD DEVELOPMENT LLC Telephone: 702-701-1443

Address: 4785 DeMille Turf Rd #60 Fax: _____

City: Hurricane State: UT Zip: 84737-388 Email: travishhg@gmail.com

Agent (If Applicable): _____ Telephone: _____

Address/Location of Subject Property: See Redstone Zone change map for location.
AV-1326; AV-1346; AV-1345;

Parcel ID: AV-1348-A; AV-1348-B; AV-1349; AV-1359 Existing Zone: OST/OSC

Proposed Zone: RE 1.0 Reason for the Request (Use Extra Sheets if Necessary):

Redstone 1.0 acre lots

Submittal Requirements: The zone change application shall provide the following:

- a. The name and address of every person or company the applicant represents;
- b. An accurate property map showing the existing and proposed zoning classifications;
- c. All abutting properties showing present zoning classifications;
- d. An accurate legal description of the property to be rezoned;
- e. Stamped envelopes with the names and addresses of all property owners within 500' of the boundaries of the property proposed for rezoning, including owners along arterial roads that may be impacted;
- f. Warranty deed or preliminary title report or other document (see attached Affidavit) showing evidence that the applicant has control of the property.

Note: It is important that all applicable information noted above, along with the fee, is submitted with the application. An incomplete application will not be scheduled for Planning Commission consideration. Planning Commission meetings are held on the second and fourth Wednesday of each month at 6:00 p.m. Once your application is deemed complete, it will be put on the agenda for the next Planning Commission meeting applicable to the noticing requirement of the request. An incomplete application could result in a month's delay.

(Office Use Only)

Date Received: 1/11/2019 By: Marty Lisonbee

Date Application Deemed Complete: _____ By: _____

**APPLE VALLEY TOWN
ORDINANCE O-2019-03**

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF PARCEL AV-1326, AV-1346, AV-1345, AV-1348-A, AV-1348-B, AV-1349 and AV-1359 FROM OST/OSC to RE 1.0

WHEREAS, the Town of Apple Valley (“Town”) has been petitioned for a change in the zoning classification for parcel AV-1326, AV-1346, AV-1345, AV-1348-A, AV-1348-B, AV-1349 and AV-1359 from OST/OSC to RE 1.0; and

WHEREAS, the Planning Commission has reviewed the petition and has received and reviewed pertinent information in the public hearing held on the 23rd day of January, 2019 with recommendation that the property be so rezoned; and

WHEREAS, the Town Council has reviewed the Planning Commission’s recommendation and has received and reviewed pertinent information; and

WHEREAS, in making these reviews the Town Council finds that the Planning Commission’s recommendation on the requested zone change for this property is rationally based and consistent with the Town’s General Plan.

WHEREAS, at a meeting of the Town Council of Apple Valley, Utah, duly called, noticed and held on the 6th day of February, 2019, and upon motion duly made and seconded:

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, UTAH, that

SECTION I: The zoning classification of Parcel AV- AV-1326, AV-1346, AV-1345, AV-1348-A, AV-1348-B, AV-1349 and AV-1359 is changed from OST/OSC to RE 1.0.

SECTION II: Update of Official Zoning Map. The Official Zoning Map is amended to reflect the adoption of this ordinance.

Effective Date: This amendment shall be effective upon passage, without further publication.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Apple Valley, Utah this 6th day of February, 2019.

Marty Lisonbee, Mayor

ATTEST:

Michelle Kinney, Town Recorder

Mayor Marty Lisonbee	Aye ___ Nay ___
Debbie Kopp	Aye ___ Nay ___
Michael McLaughlin	Aye ___ Nay ___
Denny Bass	Aye ___ Nay ___
Paul Edwardsen	Aye ___ Nay ___

Backup material for agenda item:

Discussion and Possible Action on Public Works Interlocal Agreement options with Washington County



VICTOR IVERSON, COMMISSIONER | DEAN COX, COMMISSION, CHAIR | GIL ALMQUIST, COMMISSIONER

January 23, 2019

Town of Apple Valley
Mayor Lisonbee
1777 North Meadowlark Dr.
Apple Valley, UT 84737

Mayor Lisonbee,

In Commission Meeting on January 22, 2019 the Commissioners passed a Resolution approving Public Works interlocal agreements with small towns for snow removal and road maintenance. I have enclosed the documents and marked where your signature is requested. Could you please sign the document and return to me at:

Washington County Commission
Attn: Rikki Almaraz
197 E Tabernacle St.
St. George, UT 84770

Once I have all the signatures obtained, I will send you a copy of the fully executed documents. Please feel free to contact me if you have any questions at 435-634-5700 or rikki.almaraz@washco.utah.gov.

Sincerely,

Rikki Almaraz
Deputy Clerk

Enclosure

RESOLUTION NO. R-2019-2425

**A RESOLUTION APPROVING PUBLIC WORKS INTERLOCAL AGREEMENTS
WITH SMALL TOWNS FOR SNOW REMOVAL AND ROAD MAINTENANCE**

WHEREAS, Washington County is willing to assist small towns in their responsibilities for snow plowing and road maintenance on a case-by-case basis if the conditions described below are satisfied and the County's resources are available;

WHEREAS, the factors used to determine if county assistance is appropriate are: (1) the size and resources of the town, (2) the road's impact on area tourism and economic development, and (3) the road's proximity to a county-maintained road (Town roads used primarily for residential use are always the responsibility of the town.);

WHEREAS, generally, the County charges the hourly fee established in the County Public Works' fee schedule to cover the county cost for services provided unless the work is on a regionally significant transportation route, in which cases the County includes the route in its B Road inventory for state transportation funding purposes;

WHEREAS, based on the above factors, it is appropriate for the county to assist the Town of New Harmony with snow removal, the Town of Apple Valley with Big Plains (aka Smithsonian Butte, aka Apple Valley Main Street) and Gooseberry Roads, the Town of Rockville with Big Plains and Eagle Crag Roads, and the Town of Virgin with Sheep Bridge Road;

WHEREAS, the attached interlocal agreements authorize the county to pool its resources with each of the above mentioned towns for the specified public works maintenance; and

WHEREAS, it is in the best interest of the citizens of Washington County that the attached agreements be approved.

NOW THEREFORE, BE IT RESOLVED that the attached interlocal cooperation agreements with: (1) the Town of New Harmony regarding snow removal; (2) the Town of Apple Valley regarding Big Plains and Gooseberry Roads maintenance; (3) the Town of Rockville regarding Big Plains and Eagle Crag Roads maintenance; and (4) the Town of Virgin regarding Sheep Bridge Road maintenance are approved and shall be executed.

VOTED UPON AND PASSED BY THE WASHINGTON COUNTY COMMISSION AT
A REGULAR MEETING OF THE WASHINGTON COUNTY COMMISSION HELD ON THE
22ND DAY OF JANUARY, 2019.

WASHINGTON COUNTY

Dean Cox

DEAN COX, Chair
Washington County Commission

ATTEST:

Kim M. Hafen

Kim M. Hafen
Washington County Clerk-Auditor

Commissioner Cox voted Aye
Commissioner Iverson voted Aye
Commissioner Almquist vote Aye

Approved as to Form:

[Signature]

Deputy Washington County Attorney

INTERLOCAL COOPERATION AGREEMENT REGARDING PUBLIC WORKS
MAINTENANCE FOR BIG PLAINS ROAD IN APPLE VALLEY TOWN

This INTERLOCAL COOPERATION AGREEMENT (the “Agreement”) is between Washington County, Utah (“the County”) and the Town of Apple Valley (“the Town”) located within the geographic boundary of the County (collectively, “the Parties”).

RECITALS

COUNTY POLICY FOR PUBLIC WORKS ASSISTANCE

i. The County is willing to assist small towns in their responsibilities for road maintenance on a case-by-case basis if the conditions described below are satisfied and the County’s resources are available.

ii. The factors used to determine if county assistance is appropriate are: (1) the size and resources of the town, (2) the road’s impact on area tourism and economic development, and (3) the road’s proximity to a county-maintained road (Town roads used primarily for residential use are always the responsibility of the town.).

iii. Generally, the County charges the hourly fee established in the County Public Works’ fee schedule to cover the county cost for services provided unless the work is on a regionally significant transportation route, in which cases the County includes the route in its B Road inventory for state transportation funding purposes.

REASONS FOR COUNTY ASSISTANCE

iv. Big Plains Road (aka Smithsonian Butte Road, aka Main Street, hereinafter “the Road”) is a dirt road that crosses Apple Valley Town, unincorporated county, and Rockville Town.

v. The Road is the primary access to a developed mountain biking trail system and is part of the area transportation system accessing Zion National Park.

vi. Due to its small population and tax base, the Town lacks the equipment and resources to maintain the portion of the Road in its corporate boundary.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, the covenants contained herein, and pursuant to the Interlocal Cooperation Act, the Parties agree as follows.

A. SPECIFIC TERMS

Section 1. County.

(a) The County agrees to assist in the maintenance of the portion of the Road within the Town's corporate boundary.

(b) All aspects of the county-provided maintenance, including but not limited to frequency, timing, type, and degree, will be completed at the County's discretion. However, all maintenance shall be performed in accordance with accepted standards.

(c) The County shall include the portion of Road within the Town's corporate boundary in its B & C Road Inventory for state transportation funding purposes.

Section 2. Town.

(a) The Town agrees to indemnify the county for any and all costs for claims or suits arising out of the improvement and maintenance of the Road, including but not limited to all judgments, settlements, and cost of defense. This indemnification shall not apply to willfully negligent or intentional torts or grossly negligent conduct by the County.

(b) The Town will provide maintenance to the Road that it desires beyond the county provided maintenance.

Section 3. Term. This Agreement shall become effective on the date is it duly executed and shall expire December 31, 2019. This Agreement shall automatically renew for a period of one (1) year, unless thirty (30) days prior written notice of intent to not renew is given by either Party. There is no limitation on the number of times this Agreement may automatically renew.

Section 4. Jurisdiction of roads. The Town shall continue to retain exclusive jurisdiction over the Road within its corporate boundary.

B. GENERAL TERMS

Section 1. Purpose. The purpose of this Agreement is to allow the Parties to comply with State law to accomplish the intentions and purposes referred to in the recitals above.

Section 2. Termination. Either party may, at its sole discretion, terminate this Agreement at any time and for any reason by notifying the other Party in writing of its intent to terminate the Agreement.

Section 3. No Waiver of Governmental Immunities. The Parties are governmental entities under the Governmental Immunity Act of Utah, Title 63, Chapter 30d of the Utah Code. None of the Parties waive any defenses otherwise available under the Governmental Immunity Act.

Section 4. Interlocal Cooperation Act Requirements. In satisfaction of the requirements of the Interlocal Cooperation Act in connection with this Agreement, the Parties agree as follows.

(a) This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Utah Code Section 11-13-202.5.

(b) This Agreement shall be reviewed as to proper form and compliance with applicable law by a duly authorized attorney on behalf of each Party pursuant to and in accordance with the Utah Code Section 11-13-202.5(3).

(c) A duly executed original counterpart of this Agreement shall be filed immediately with the keeper of records of each Party pursuant to Utah Code Section 11-13-209.

(d) No separate legal entity is created by the terms of this Agreement. The Parties designate the Chairman of the County Commission as the Administrator responsible to administer this Agreement and the accomplishment of the purposes of the cooperative action contemplated hereby and specified herein pursuant to Utah Code Section 11-13-207.

(e) The term of this Agreement shall commence on the date of full execution of this Agreement by all Parties.

(f) No real or personal property shall be acquired jointly by the Parties as a result of this Agreement.

(g) Following the execution of this Agreement by the Parties, either Party may cause a notice regarding this Agreement to be published on behalf of the Parties in accordance with Utah Code Section 11-13-219.

Section 5. Notices. All notices, requests, demands and other communications under this Agreement shall be in writing and shall either be delivered personally or sent by first-class mail, postage prepaid, and properly addressed to the Parties at the following addresses:

Town of Apple Valley
Attn: Town Clerk

Washington County, Utah
Attn: Commission Chair
197 East Tabernacle
St. George, UT 84770.

Section 6. Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter and supersedes all prior and contemporaneous agreements, representations and understandings of the Parties. No supplement, modification, amendment, or waiver of any obligation of this Agreement shall be binding unless executed in writing by all the Parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

Section 7. No Third-Party Beneficiaries. This Agreement is not intended to confer upon any person other than the Parties any rights or remedies.

Section 8. Governing Law. This Agreement shall be governed by the laws of the State of Utah.

Section 9. Counterparts; Filing. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(Signature block on following pages.)

WASHINGTON COUNTY

Dean Cox

Dean Cox
Washington County Commission Chair

Attest:

Kim M Hafen

Kim M. Hafen
Washington County Clerk-Auditor

Date: 1/22/19

Approved as to Form:

[Signature]

Deputy Washington County Attorney

Town of Apple Valley

Marty Lisonbee
Mayor

Attest:

Michelle Kinney
Town Recorder

Date: _____

Approved as to Form:

Town Attorney

INTERLOCAL COOPERATION AGREEMENT REGARDING PUBLIC WORKS
MAINTENANCE FOR GOOSEBERRY ROAD IN APPLE VALLEY TOWN

This INTERLOCAL COOPERATION AGREEMENT (the “Agreement”) is between Washington County, Utah (“the County”) and the Town of Apple Valley (“the Town”) located within the geographic boundary of the County (collectively, “the Parties”).

RECITALS

COUNTY POLICY FOR PUBLIC WORKS ASSISTANCE

- i. The County is willing to assist small towns in their responsibilities for road maintenance on a case-by-case basis if the conditions described below are satisfied and the County’s resources are available.
- ii. The factors used to determine if county assistance is appropriate are: (1) the size and resources of the town, (2) the road’s impact on area tourism and economic development, and (3) the road’s proximity to a county-maintained road (Town roads used primarily for residential use are always the responsibility of the town.).
- iii. Generally, the County charges the hourly fee established in the County Public Works’ fee schedule to cover the county cost for services provided unless the work is on a regionally significant transportation route, in which cases the County includes the route in its B Road inventory for state transportation funding purposes.

REASONS FOR COUNTY ASSISTANCE

- iv. Gooseberry Road (“the Road”) is a dirt road that crosses a portion of Apple Valley Town and the unincorporated county.
- v. The Road is the primary access to a developed mountain biking trail system.
- vi. Due to its small population and tax base, the Town lacks the equipment and resources to maintain the portion of the Road in its corporate boundary.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises, the covenants contained herein, and pursuant to the Interlocal Cooperation Act, the Parties agree as follows.

A. SPECIFIC TERMS

Section 1. County.

- (a) The County agrees to assist in the maintenance of the portion of the Road within the Town’s corporate boundary.

(b) All aspects of the county-provided maintenance, including but not limited to frequency, timing, type, and degree, will be completed at the County's discretion. However, all maintenance shall be performed in accordance with accepted standards.

(c) The County shall include the portion of Road within the Town's corporate boundary in its B & C Road Inventory for state transportation funding purposes.

Section 2. Town.

(a) The Town agrees to indemnify the county for any and all costs for claims or suits arising out of the improvement and maintenance of the Road, including but not limited to all judgments, settlements, and cost of defense. This indemnification shall not apply to willfully negligent or intentional torts or grossly negligent conduct by the County.

(b) The Town will provide maintenance to the Road that it desires beyond the county provided maintenance.

Section 3. Term. This Agreement shall become effective on the date is it duly executed and shall expire December 31, 2019. This Agreement shall automatically renew for a period of one (1) year, unless thirty (30) days prior written notice of intent to not renew is given by either Party. There is no limitation on the number of times this Agreement may automatically renew.

Section 4. Jurisdiction of roads. The Town shall continue to retain exclusive jurisdiction over the Road within its corporate boundary.

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(a) This Agreement shall be authorized and adopted by resolution of the legislative body of each Party pursuant to and in accordance with the provisions of Utah Code Section 11-13-202.5.

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(d) No separate legal entity is created by the terms of this Agreement. The Parties designate the Chairman of the County Commission as the Administrator responsible to administer this Agreement and the accomplishment of the purposes of the cooperative action contemplated hereby and specified herein pursuant to Utah Code Section 11-13-207.

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Town of Apple Valley
Attn: Town Clerk

Washington County, Utah
Attn: Commission Chair
197 East Tabernacle
St. George, UT 84770.

Section 6. Entire Agreement; Modification; Waiver. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter and supersedes all prior and contemporaneous agreements, representations and understandings of the Parties. No supplement, modification, amendment, or waiver of any obligation of this Agreement shall be binding unless executed in writing by all the Parties. No waiver of any of the provisions of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver.

Section 7. No Third-Party Beneficiaries. This Agreement is not intended to confer upon any person other than the Parties any rights or remedies.

Section 8. Governing Law. This Agreement shall be governed by the laws of the State of Utah.

Section 9. Counterparts; Filing. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(Signature block on following pages.)

WASHINGTON COUNTY



Dean Cox
Washington County Commission Chair

Attest:



Kim M. Hafen
Washington County Clerk-Auditor

Date: 1/22/19

Approved as to Form:



Deputy Washington County Attorney

Town of Apple Valley

Marty Lisonbee
Mayor

Attest:

Michelle Kinney
Town Recorder

Date: _____

Approved as to Form:

Town Attorney

Backup material for agenda item:

Approval of Minutes for 12/5/2018

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and led the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Council member Debbie Kopp
Council member Michael McLaughlin
Council member Paul Edwardsen
Council member Denny Bass

Town Recorder Michelle Kinney

OTHERS IN ATTENDANCE

Big Plains Water Chairman Harold Merritt
Commissioner Wenn Jorgensen
Commissioner Forrest Kuehne
Commissioner Janet Prentice
Former Mayor Campbell
Former Councilman Trevor black
Jerry Volunteer road grader
Ben Billingsley accountant
Chief arrives at 6:10

EXCUSED

Town Attorney Shawn Guzman

CONFLICT OF INTEREST DECLARATIONS

1. MAYORS TOWN UPDATE

Water billing issues will be handled at tomorrow night's Big Plains Water meeting here at 6:00.

Mayor Lisonbee discussed the traffic through town with UDOT and expressed his desire to see turn lanes into the Bubbling Wells area. He mentioned the possibility of slowing traffic through there. Engineering studies do have to be done to prove that speed reduction is necessary. He discussed his vision for the Main Street turn lanes and possibly just doing an "S" turn

APPOINTMENT OF TOWN COUNCIL MEMBER TO THE WASHINGTON COUNTY SOLID WASTE BOARD. RESOLUTION NUMBER 2018-24

Time Stamp: 14:08

MOTION: Mayor Lisonbee moves to nominate Mike McLaughlin as our Representative Council Member for the Washington County Solid Waste Board

SECOND: Council Member Edwardsen

VOTE:

Council Member Kopp -	Aye
Council Member McLaughlin –	Aye
Council Member Bass–	Aye
Council Member Edwardsen -	Aye
Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

2. ADOPTION OF ORDINANCE 2018-22, INCREASE OF THE MUNICIPAL ENERGY SALES AND USE TAX FROM ONE AND ONE-HALF PERCENT (1.5%) TO SIX PERCENT (6.0%)

Time Stamp: 15:08

Mayor Lisonbee mentions this item was a part of the budget that was passed this year but the paperwork for it hadn't been done before he came into office.

Mayor opens this up for comment.

MOTION: Council Member Edwardsen moves to adopt ordinance 2018-22 to increase the municipal energy sales and use tax from one and one-half percent to six percent.

SECOND: Council Member Bass

VOTE:

Council Member Kopp -	Aye
Council Member McLaughlin –	Nay
Council Member Bass–	Aye
Council Member Edwardsen -	Aye
Mayor Lisonbee –	Aye

The motion carried with Council Member McLaughlin voting Nay.

3. DISCUSSION AND POSSIBLE ACTION ON TOWN DEVELOPMENT AND BUILDING POLICIES

Time Stamp: 17:15

Ordinance always take precedence over a policy. We have a policy in conflict with an ordinance so we want to change the wording. Changes are as noted in the packet.

Bruce Hubrecht: Title 11 subdivision ordinance allows a maximum of 3 lots to be created from one parcel with only town staff approval. He requests that the town clarify what staff is allowed to subdivide these lots. He shares his concern that the ordinance does not limit the number of times someone would be allowed to do this type of lot split. This type of split has no oversight and this should be addressed.

MOTION: Council Member Kopp motion that we accept the changes as noted on Town Development and Building Policies

SECOND: Council Member Edwardsen

VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

4. APPROVAL OF MINUTES FOR 11.7.2018

Time stamp: 28:12

MOTION: Council Member Kopp motions to accept the minutes as stated from November 7, 2018

SECOND: Council Member Bass

VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

5. CONSENT CALENDAR FOR NOVEMBER 1ST TO NOVEMBER 30TH 2018.

Time stamp: 29:40

Ben Billingsley comments that he will typically show a little more on the consent calendar including income statements.

Ben will present consent calendars in the future

MOTION: Council Member McLaughlin motions to accept the consent calendar for November 1st to November 30th 2018.

SECOND: Council Member Kopp

VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

6. ZONE CHANGE FOR LITTLE CREEK RV PARK, PORTION OF PARCEL AV-1334-J NOT INCLUDING THE STATION AS DESCRIBED IN THE SUBMITTED RV RESORT LEGAL SURVEY DESCRIPTION FROM COMMERCIAL TO RV PARKS ZONE ORDINANCE NUMBER 2018-23
Time stamp: 31:53

This was recommended for approval by Planning Commission

MOTION: Council Member Kopp motions that we pass Ordinance 2018-23 an ordinance changing the zoning classification for portion of the property not including the station as described in the submitted RV resort legal survey description from Commercial to RV parks zone.

SECOND: Council Member Edwardsen

VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

7. CONSIDER APPROVAL ON REPORTS, RECOMMENDATION, APPOINTMENTS, AND ANNOUNCEMENTS:
Time stamp: 34:03

- **Events Committee- Tish Lisonbee/Debbie Kopp-** Cookie exchange start at 12:00-1:30 coincides with a food drive. Food will be donated to the food bank.
- **Planning Commission- Cynthia Browning/Michael McLaughlin-** Bruce Hubrecht shares his concern that Title 11.1.4 shows that lot splits can be allowed on any type of land.
- **Fire Department- Chief Dave Zolg, Jr. –** Burn season will stay open until Christmas.
- **Engineering- Rod Mills- Mayor-**
- **Big Plains Water and Sewer SSD- Harold Merritt-** Thanks Trevor Black for donation of a pump for one of the wells. Wheel house #1 is coated in metal. This is 100% complete and up and running.

- **Code Enforcement-Paul Edwardsen/Rich-** Mayor Lisonbee mentioned the need for Rich Ososki to have a meeting with the DA on procedural things to get him trained.
- **Roads and storm drainage-** Kevin still works as an on call employee for the town.
- **Mosquito abatement- Margaret Ososki-**
- **Council**
- **Other**

8. PUBLIC COMMENTS

MOTION:	Council Member Kopp motions that we open public comments	
SECOND:	Council Member Bass	
VOTE:	Council Member Kopp -	Aye
	Council Member McLaughlin –	Aye
	Council Member Bass–	Aye
	Council Member Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

Bruce Hubrecht: Are zone changes appropriate to the general plan. Mayor: We have an engineering company (Ensign) that has started working on this. This general plan doesn't go to the depth that you would like to see. The Planning Commission is also working on this and making adjustments on Main Street and throughout the town.

Richard Fischer: He doesn't like what Ensign has done and would like to see the town receive bids for this work. Many small towns use Sunrise Engineering.

Mayor talks about the town's history with Ensign and the work that Ensign has done for the town. He feels morally obligated to use them (for the time being) even though there isn't a current contract.

Former Mayor Campbell- About the time of the tax increase Ensign sent a letter that they were forgiving a substantial amount of debt. The CIB funding was also supposed to help cover the cost of this. Mayor Lisonbee canceled the CIB funding (not knowing it was for this mapping project) because the town had to match any funds granted and the town didn't have the money to do so.

Janet Prentice: If we are going to do anymore tiny cabin projects with public restrooms she would like to see evaporative systems, instead of leach lines and septic tanks.

Mayor Lisonbee received a developer agreement for the Jepson Canyon Project Land of Many Nations. The first agreement wasn't good for the town and the Mayor asked them to try again. The second agreement looks much better. The Town Attorney will look at this to verify that we are in a good place with this. The builder has funding lined up for this.

Richard Fischer: State Health Department has regulations for septic that anything over a certain number of gallons per day must go through some type of treatment system.

Robert Campbell: A survey for many of the areas that need turn lanes including people from Hildale to help with this. BLM is considering putting bathrooms on Gooseberry. The Town could ask for help with turn lanes from them for increasing traffic heading to these sights. This might be something to help push these turn lanes. That whole area has access to county lands as well.

Trevor Black: Most of the driveways coming on to the highway were approved by the county before the town was even started.

Council Member Kopp- Flag is torn.

MOTION: Council Member Kopp motions Close public comments
SECOND: Council Member McLaughlin
VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

9. DISCUSSION AND ACTION ON THE GATEWAY PROJECT-ENSIGN ENGINEERING

MOTION: Mayor Lisonbee motions to table this item.
SECOND: Council Member Bass
VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

10. REQUEST FOR A CLOSED SESSION

No Need

11. ADJOURNMENT

MOTION: Council Member Kopp motions that they adjourn
SECOND: Council Member McLaughlin
VOTE: Council Member Kopp - Aye
Council Member McLaughlin – Aye
Council Member Bass– Aye
Council Member Edwardsen – Aye

Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:57 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____
Michelle Kinney, Recorder

Backup material for agenda item:

Approval of Minutes for 12/19/2018

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and led the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Council member Debbie Kopp
Council member Paul Edwardsen
Council member Denny Bass

Town Recorder Michelle Kinney

ABSENT

Council member Michael McLaughlin

OTHERS IN ATTENDANCE

Commissioner Wenn Jorgensen
Commissioner Janet Prentice
Finance Director Ben Billingsley
Fire Chief Zolg
Code Enforcer Rich Ososki
Mosquito Abatement Board member Margie Ososki

EXCUSED

Town Attorney Shawn Guzman

CONFLICT OF INTEREST DECLARATIONS

1. MAYORS TOWN UPDATE

The Golden Spike is celebrating 150 years this year. They would like all towns to have a party in May for this. Mayor has passed this on to the events committee to follow up on. Southern Utah Bike association would like to partner with us on something.

2. DISCUSSION AND ACTION ON ORDINANCE 2018-24 SUBDIVISION PLAT AMENDMENT AND LOT LINE ADJUSTMENT FOR PARCELS AV-1-2-29-310, AV-AVR-3-8, AV-1330-E. OWNERS MARTY AND TISH LISONBEE

Mayor declares a conflict of interest on this agenda item and turns it over to Council Member Kopp.

TIMESTAMP: 3:43

Council Member Kopp asks if anyone has any questions or concerns about this item. Mayor mentions that this lot line adjustment will create 2 lots from the three.

MOTION: Council Member Kopp motions to pass ordinance **2018-24**, an ordinance for plat amendment and lot line adjustment for parcels **AV-1-2-29-310, AV-AVR-3-8, AV-1330-E** making these 3 lots into 2.

SECOND: Council Member Edwardsen

VOTE:

Council Member Kopp -	Aye
Council Member Bass–	Aye
Council Member Edwardsen -	Aye
Mayor Lisonbee –	Abstain

Motion passes with Mayor Lisonbee abstaining for conflict of interest.

3. DISCUSSION AND ACTION ON CHANGES TO THE TOWN PERSONNEL POLICIES AND PROCEDURE MANUAL

TIME STAMP: 6:40

Many towns have adopted a 180 day probation period. The Town would like to do this with the option to extend for another 180 days if needed at the time of the employees 180 day review.

The town would like to change the Health insurance offerings. The town will only pay insurance for the employee. The family can still be covered but the employee will have to pay that extra expense.

Retirement benefits are only for full time employees and they become eligible after the probation period.

MOTION: Mayor Lisonbee motions to make the changes to the Town’s Policy and Procedure manual as prescribed.

SECOND: Council Member Kopp

VOTE:

Council Member Kopp -	Aye
Council Member Bass–	Aye
Council Member Edwardsen -	Aye
Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

4. DISCUSSION AND ACTION ON UN-AUTHORIZED JOURNAL ENTRIES PERFORMED BY PREVIOUS ACCOUNTANT TO CLOSED BOOKS

TIMESTAMP: 10:33

Hinton burdock has instructed us to reverse those changes back to the original state. We want to make this public so that anyone who has questions on this can see why this was done and can reference this meeting for any clarifications.

Question is asked if the journal entries had been requested by the auditor- No, these were entries that were requested by the accountant. It was the last day that the accountant worked for the town.

Finance Director Billingsley mentions the audit is required to be completed by the end of the year.

Margie Ososki- what is the amount? Finance Director Billingsley- in March of this year, the accountant at the time started retaining finance charges. That was a total of \$27,000 the other was for \$37,000 and \$19,000 total is \$83,000.

Jerry Jorgensen mentions he thought the water board wanted to have a meeting with the town to quickly and get this squared away. Did that meeting ever happen? No we didn't actually do that.

Mayor Lisonbee mentions that there have been communications with Hinton Burdick between previous employees and the previous mayor on these issues. At that point Hinton Burdick just told the town what action should be taken. Hinton Burdick feels as though we should reverse these entries and that this is the right course of action.

Louie Ford, Un-Authorized, what does that mean? Finance Director Billingsley mentions it is common for these things to happen at the end of a fiscal year but not books that are 2 years old.

Richard Fischer – Will this reversal fix the issue or will this cause more problems with the SSD? Finance Director Billingsley- when these entries are reversed that will not fix the issue until we figure out how much is owed.

Mayor- I have been in meeting with Chairman Merritt and Board Member Gregerson. And I think they would like to move forward.

Pam Quayle- Do both entities have the same auditor and will all of these be reconciled at the same time. Mayor Lisonbee- yes.

Rich Kopp- Going forward is having 2 sets of books the best thing for the town.

Mayor Lisonbee- we have always had separate books we just shared the same bookkeeper

MOTION: Mayor Lisonbee motions that on the unauthorized journal entries performed by the previous accountant to the closed books that we allow our current accountant to open those books and reverse those journal entries so books are as they were when they were closed.

SECOND: Council Member Kopp

VOTE:	Council Member Kopp -	Aye
	Council Member Bass–	Aye
	Council Member Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

5. CONSIDER APPROVAL ON REPORTS, RECOMMENDATION, APPOINTMENTS, AND ANNOUNCEMENTS:

Time stamp: 27:35

- **Events Committee- Tish Lisonbee/Debbie Kopp-** Volunteer Christmas Party was fun. The next event is January 26th for pet vaccinations. If you have any idea how to celebrate the railroad submit your ideas to Tish. Council Member Kopp thanks everyone who participated in the cookie exchange. Gerry Graham helped do the delivery. Hurricane food bank was happy to received items from our food drive.
- **Planning Commission- Cynthia Browning/Michael McLaughlin-** Planning commission on the 26th is canceled. Next is January 9th
- **Fire Department- Chief Dave Zolg, Jr.** Burn season will end on December 23rd. We will start again in March. January through part of February Chief and Volunteers will be busy with training. Be careful on the highway. Please don't burn your Christmas trees. Council Member Kopp- in the spring will we have the CPR class again? Chief- yes in January. He would like to have the office personnel become certified.
- **Engineering- Rod Mills- Mayor-**
- **Big Plains Water and Sewer SSD- Harold Merritt-**
- **Code Enforcement-Paul Edwardsen/Rich Ososki-**
- **Roads and storm drainage-** Councilman Bass- we have some dips in the roads. We need to look at those and fill them in. We actually need to saw cut the road there and fix the trenching. Janet Prentice- Danny Fox did a survey that was paid for out of his pocket and we would like to have our cul-de-sac fixed on Mount Zion Drive.

Richard Fischer- with any cul-de-sac you have to have enough room for the fire truck to turn around.

- **Mosquito abatement- Margaret Ososki-** The meeting gave the end of year report. St. George had the most mosquitoes. No Zika or West Nile mosquitos in Washington County.
- **Council**
- **Other-** Mayor Lisonbee discusses the new town website. We hope to be up and running on this by the first of the year. The website is currently under review at applevalley.teamaha.com. The website information is all searchable and is ADA compliant. On the veteran’s page we would like to have a short bio and picture of each of Apple Valley resident who is a veteran. Mayor would also like to add business directory for any businesses in town and link to their website.

6. PUBLIC COMMENTS

Timestamp: 46:30

OPEN:

MOTION: Council Member Kopp

SECOND: Council Member Edwardsen

VOTE:	Council Member Kopp -	Aye
	Council Member Bass–	Aye
	Council Member Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

Louie Ford- Has anyone noticed the concrete coming up in chunks on the gateway project. He also expresses his concern about the pond freezing over.

Richard Fischer- Can we move dirt down in the pond. So the water will flow a little better.

Suzie: When will we be finishing Mount Zion drive all the way to the cul-de-sac? Mayor Lisonbee answers, as soon as the residents of Mount Zion Drive pay for it.

CLOSE:

MOTION: Council Member Kopp

SECOND: Council Member Bass

VOTE:	Council Member Kopp -	Aye
	Council Member Bass–	Aye
	Council Member Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

7. DISCUSSION AND ACTION ON THE GATEWAY PROJECT-ENSIGN ENGINEERING

Not Needed

8. REQUEST FOR A CLOSED SESSION

Not Needed

9. ADJOURNMENT

MOTION: Council Member Edwardsen motions to close the meeting.

SECOND: Council Member Kopp

VOTE: Council Member Kopp - Aye

Council Member Bass– Aye

Council Member Edwardsen – Aye

Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 6:50 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____

Michelle Kinney, Recorder

Backup material for agenda item:

Approval of Minutes for 1/2/2019

OPENING

Mayor Lisonbee brought the meeting to order at 6:00 p.m. welcoming all in attendance and led the Pledge of Allegiance.

PRESENT

Mayor Marty Lisonbee
Councilmember Debbie Kopp
Councilmember Paul Edwardsen
Councilmember Denny Bass
Councilmember Michael McLaughlin

Town Recorder Michelle Kinney

OTHERS IN ATTENDANCE

Attorney Bryan Pattison (Resolution with BPWSSSD)
Attorney Shaun Guzman
Commissioner Wenn Jorgensen
Commissioner Forrest Kehune
Ben Billingsley Accountant
Code Enforcer Rich Ososki
Mosquito Abatement Board member Margie Ososki
Rick Moser Previous Mayor
Harold Marrott Water Board Chair

EXCUSED

CONFLICT OF INTEREST DECLARATIONS

DISCUSSION AND ACTION

ADOPTION OF ORDINANCE 2019-01 TO REVOKE THE POWER OF THE BPWSSD BOARD

Mayor opens time for questions.

Pam Quayle asks the question; what is the power you are revoking from the board? Mayor Lisonbee responds that the board will become Advisory to the Town Council. This means the Town Council will have final say with any money expenditures over a certain amount or take out loans or hire or fire individuals. They will be able to continue with the daily operations with a few restrictions.

Rick Moser shares his feelings about this resolution and putting the SSD under a taxing authority. Mayor responds by saying that they will not be taking the district under the town. It will still be separate. The intent today is to help get the budget back in line. Mr. Moser continues to express his feeling that he would have liked to see both entities come to an agreement. His concern is from what has happened in the last few months with increasing taxes. The Mayor explains his concern over billing and the SSD billing the town more in late fees that has even been collected in the history of the SSD. Mr. Moser explains his concern over rising taxes.

Harold Merritt: Explains that the SSD is current with all state loans. The 6 month moratorium had an impact on the district. He recommends that the state audit the books from the beginning and see how things come out in the end. Mr. Merritt expresses his feelings about how things have occurred over the past few months between the town and the district, including the comment that Mr. Bass may be a better candidate for the job of Chairman. He does feel this is a personal affront. He doesn't think that changing the based rate for water will be good for the town and will cause the water usage rate to go down by 30%. He shares his feeling that he doesn't like to see things happen this way.

Mayor Lisonbee: Addresses some of the items mentioned by Mr. Merritt in his statement. He mentioned having Mr. Bass because he is more of a budget person and the mayor felt concern about the portion of the budget that was dependent on impact fees. He was also concerned about bringing on full time employees and didn't feel that doing so was a fiscally responsible decision based on the lack of income this year from impact fees. In addition he mentioned that Robert Campbell wanted to have the impact fees reviewed by another company but instead the SSD chose to have the same company do it again and it cost them \$38,000. Mayor Lisonbee refers to the numbers in the packet located in the email between Ben Billingsley and Jauna McGinnis. Mayor Lisonbee mentions that he would be fine with having the books audited. The town plans on taking over the books to dig in and see what is going on with the books and find out why September billing went up.

Councilmember Paul Edwardsen: Shares his feeling that Harold Merritt is a very good man. But at the same time he would like to see the town be streamlined and fiscally responsible.

Councilmember Michael McLaughlin: Shares that one of his concerns was from before the mayor was in office. It has to do with the water district wanting to separate from the town and they wanted the Councilmember and mayor off the board. He feels that it is important for the town to be involved for checks and balances. He feels they are trying to protect the best interest of the town and its people.

Mayor Lisonbee requests Councilmember Kopp to speak about a previous meeting. She mentions that Harold Merritt said the district is separate from the town and doesn't

need to answer to the town.

Rich Kopp: There needs to be some cohesion between the district and the town. He agrees that we need the checks and balance.

Attorney Bryan Pattison makes a comment that the “adoption of ordinance” on the agenda should say “resolution.” Reading the resolution 2019-01 is done by Councilmember Michael McLaughlin.

MOTION: Councilmember McLaughlin motions to adopt the resolution 2019-01. Resolution modifying limiting and revoking the delegation of authority to the Big Plains Water and Sewer Special Services District.

SECOND: Councilmember Edwardsen

VOTE:

Councilmember Kopp –	Aye
Councilmember Bass–	Aye
Councilmember Edwardsen –	Aye
Councilmember McLaughlin-	Aye
Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

BOOKKEEPING POLICY CHANGE BPWSSSD

TIMESTAMP: 39:00

They mayor explains that we are eliminating the bookkeeper position for Big Plains. We want to share resources and Ben Billingsley will do the books for both entities. They will work out an equitable arrangement with Big Plains Water as to what that cost will be. Mayor describes the situation with Hildale and Colorado City and how they are able to share and work together between two towns and two states. He would like to see this happen here between the town and the Water District. It will all be above board and in writing. We will allow them to keep the late fees. Effective on 10/1/2018.

MOTION: Councilmember Edwardsen moves that we go through item B Elimination of dual bookkeeping record practice. All billing and bookkeeping and recording will be done by the town we are eliminating the bookkeeping and recording position at the SSD.

SECOND: Councilmember Kopp

VOTE:

Councilmember Kopp-	Aye
Councilmember Bass–	Aye
Councilmember Edwardsen -	Aye

Councilmember McLaughlin-	Aye
Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

TOWN AND BPWSSD COMBINED BILLING

Time stamp: 41:46

Mayor Lisonbee talks about how the billing will be done in the future. This may be with one bill or with 2 bills in one envelope. The mayor will have Finance Director Billingsley determine the best practice for this item. The books and bank accounts will remain separate. The purpose of this is to reduce overall cost by not paying 2 people and buying 2 stamps to prepare bills. This will be done in an effort to save money for both the town and the SSD.

MOTION: Mayor Lisonbee makes a motion to combine the town and SSD billing.

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp -	Aye
	Councilmember McLaughlin –	Aye
	Councilmember Bass–	Aye
	Councilmember Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

Final Resolution of Late Fee Billing Dispute between the Town and BPWSSD

Time Stamp: 44:16

Mayor Lisonbee mentions the policy change to start collecting late fees was never brought before the Town council and voted on. But the town will concede future late fees as of October 1st 2018. The amount that Big Plains over billed the town is \$12,927 and we will collect that over the course of the next few years without putting them under undue pressure with their budget. He mentions that the email that is in tonight’s packet between Mr. Billingsley and Mrs. McGinnis be adopted as documentation as to what has occurred and what is owed.

MOTION: Mayor Lisonbee motions to accept this document as a final resolution on this matter.

SECOND: Councilmember Kopp

VOTE: Councilmember Kopp - Aye
Councilmember McLaughlin – Aye
Councilmember Bass– Aye
Councilmember Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

CANNAN SPRINGS PIPELINE

Time stamp 47:48

Mayor Lisonbee wants to verify that the numbers are correct. We want to be involved in this process and wonder if it is a good idea to take on new debt when we struggle to pay current notes. Perhaps another engineer looking at this will help keep the price in check with Rod Mills.

MOTION: Mayor Lisonbee motions that we request a presentation on the Canaan springs pipeline.

SECOND: Councilmember Kopp

VOTE: Councilmember Kopp - Aye
Councilmember McLaughlin – Aye
Councilmember Bass– Aye
Councilmember Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

REPORTS, RECOMMENDATION, AND ANNOUNCEMENTS:

Time stamp: 50:44

- **Events Committee- Tish Lisonbee/Debbie Kopp-** Pet clinic with vaccinations for snakes and dogs. Online registration for those who are unable to come in. Mayor mentions that the new website will be live on January 15th.
- **Planning Commission- Cynthia Browning/Michael McLaughlin-**
- **Fire Department- Chief Dave Zolg, Jr.** Training for the next 5 weekends. Responded to medical calls for accidents.
- **Engineering- Rod Mills- Mayor-**
- **Big Plains Water and Sewer SSD- Harold Merritt-**
- **Code Enforcement-Paul Edwardsen/Rich Ososki-**
- **Roads and storm drainage- Dennis Bass –** Mayor Lisonbee had Kevin out on Apple Valley

Way and Canaan Springs fixing some things out there. Canyon Drive has been cleaned up and repaired. Louie Ford mentioned at the last meeting what can be done to fill the lake by the bridge. The backhoe has been stuck down there twice and Kevin isn't too excited about doing that again.

- **Mosquito abatement- Margaret Ososki-**
- **Council**
- **Other-** Tish Lisonbee is concerned about ice near the mailboxes.

PUBLIC COMMENTS

Time Stamp: 57:45

OPEN:

MOTION: Councilmember Kopp motions to open public comments

SECOND: Councilmember Bass

VOTE:	Councilmember Kopp -	Aye
	Councilmember McLaughlin –	Aye
	Councilmember Bass–	Aye
	Councilmember Edwardsen -	Aye
	Mayor Lisonbee –	Aye

The vote was unanimous and the motion carried.

Pam Quayle suggests conserving water.

Harold Merritt mentions there is a study that was completed by the USDA on the Canaan Pipeline. 1.5 million dollars for the pipeline. With a consolidation of our current loans and the grant from the USDA we will save approximately 16,000 a year. We have been approached by a water company to bottle this water from the spring. There is a lot of water to be captured that is currently running onto the ground. Pam Quayle asks the question is there a way to put this water back into the ground? Harold Merritt mentions that it is a lot cheaper to just use the water as it flows than to pump the water back into the ground then pump it back out. There is a subsidy for pumping the water back into the aquifer.

Rich Kopp- Thanks Jr. for helping with fixing the furnace today. He is wondering what the urgency is to get the Canaan pipeline done right away. When we first started it seemed like we just wanted to acquire the water and would get to the pipeline when we had the funds. Harold Merritt mentions that this is part of the discussion about what is the best way to go about doing this.

CLOSE:

MOTION: Councilmember Edwardsen moves to close public comments
SECOND: Councilmember McLaughlin

VOTE: Councilmember Kopp - Aye
Councilmember McLaughlin – Aye
Councilmember Bass– Aye
Councilmember Edwardsen - Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

GATEWAY PROJECT-ENSIGN ENGINEERING

REQUEST FOR A CLOSED SESSION

ADJOURNMENT

MOTION: Councilmember Kopp Motions that we adjourn the meeting tonight January 2, 2018
SECOND: Councilmember Bass

VOTE: Councilmember Kopp - Aye
Councilmember McLaughlin – Aye
Councilmember Bass– Aye
Councilmember Edwardsen – Aye
Mayor Lisonbee – Aye

The vote was unanimous and the motion carried.

Meeting adjourned at 7:06 p.m.

Date approved: _____

Marty Lisonbee, Mayor

ATTEST BY: _____
Michelle Kinney, Recorder